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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,077	12/07/2000	John P. Westervelt	WES.0102	9770

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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,077

Applicant(s)

WESTERVELT ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are pending in this Office Action.

Papers Received

2. Change of Address was filed on 06/20/02.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed on 10/15/01 has been considered.

Claim Objections

4. Claim 11 is objected to because of the following informalities: In line 23, "such authorization" would be better as "the authorization" or "said authorization". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2155

6. Claims 1-4, 7-14 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,591,242 by Karp et al. (Karp) in view of U.S. Patent 6,321,091 by Holland (Holland).

7. With respect to Claim 1, Karp teaches a system for monitoring the activity of at least one individual by a user (Col. 1 lines 10-24) comprising: at least one user computer having at least one administrative software program (Col. 4 lines 29-59 and Col. 15 lines 18-33); (i) a database (Col. 3 lines 61-62 and Col. 6 lines 32-35) for storing information concerning the at least one individual being monitored (Col. 9 line 54 – Col. 10 line 7) ; and (ii) a central processing unit having a plurality of application program modules for processing said information concerning the at least one individual being monitored (Col. 5 lines 39-50); at least one of said application program modules comprising a software integration function that receives and processes from said server unit information concerning the at least one individual being monitored, and formats said information for direct download into the at least one administrative software program in the at least one user computer (Col. 6 lines 13-31); and a means for relaying information concerning the at least one individual being monitored to the database (Col. 3 lines 40-59). Karp does not explicitly disclose a server unit in communication with the user computer and the server unit comprising the database and central processing unit. Holland teaches in a monitoring system that a database storing and processing information concerning the monitored object can reside in a server computer “as is known in the art” (Col. 3 lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Karp

Art Unit: 2155

and modify it as indicated by Holland such that the system comprises a server unit in communication with the at least one computer, comprising (i) and (ii); and a means for relaying information concerning the at least one individual being monitored to said server unit. One would be motivated to have this as it allows for monitoring information to be more easily accessed since it is available through an online interface (Col. 3 line 64 – Col. 4 line 5).

8. With respect to Claim 2, Karp in view of Holland teaches all the limitations of Claim 1 and further teaches the information concerning the at least one individual being monitored comprises: (a) identification information (Col. 4 lines 29-36 of Karp); (b) task information (Col. 4 lines 29-36 of Karp); and (c) location information (Col. 4 lines 29-36 of Karp).

9. With respect to Claim 3, Karp in view of Holland teaches all the limitations of Claim 2 and further teaches said server unit communicates with said at least one user computer over a computer network (Col. 4 lines 37-40 of Holland); the server unit providing a navigable interface on the at least one user computer (Col. 3 line 53 – Col. 4 line 48 of Holland).

10. With respect to Claim 4, Karp in view of Holland teaches all the limitations of Claim 3 and further teaches said computer network comprises the Internet (Col. 4 lines 37-40 of Holland).

11. With respect to Claim 7, Karp in view of Holland teaches all the limitations of Claim 2 and further teaches the means for relaying to the server unit said information concerning the at least one individual being monitored comprises a wireless

Art Unit: 2155

telecommunication device (Col. 7 lines 31-34 of Karp) capable of automatic entry of such information concerning the at least one individual into the server unit (Col. 3 line 66 – Col. 4 line 3 of Karp).

12. With respect to Claim 8, Karp in view of Holland teaches all the limitations of Claim 2 and further teaches the means for relaying to the server unit said information concerning the at least one individual being monitored comprises a computer terminal capable of communication with said server unit for automatic entry of such information into the server unit (Col. 13 lines 3-11 of Karp).

13. With respect to Claim 9, Karp in view of Holland teaches all the limitations of Claim 2 and further teaches a means for automatically determining a geographic position to identify location information (Col. 13 lines 36-40 of Karp).

14. With respect to Claim 10, Karp in view of Holland teaches all the limitations of Claim 9 and further teaches the means for automatically determining a geographic position comprises a space based GPS satellite system (Col. 13 lines 36-40 of Karp).

15. With respect to Claim 11, Karp teaches a method for monitoring the activity of at least one individual by a user with a communication system (Col. 1 lines 10-24 and See Fig. 1) comprising: providing at least one user computer having at least one administrative software program (Col. 4 lines 29-59 and Col. 15 lines 18-33); (i) a database (Col. 3 lines 61-62 and Col. 6 lines 32-35) for storing information concerning the at least one individual being monitored (Col. 9 line 54 – Col. 10 line 7) ; and (ii) a central processing unit having a plurality of application program modules for processing said information concerning the at least one individual being monitored (Col. 5 lines 39-

Art Unit: 2155

50); at least one of said application program modules comprising a software integration function that receives and processes from said server unit information concerning the at least one individual being monitored, and formats said information for direct download into the at least one administrative software program in the at least one user computer (Col. 6 lines 13-31); providing a means for relaying information concerning the at least one individual being monitored to the database (Col. 3 lines 40-59); receiving the transmission of information concerning the at least one individual being monitored from said means for relaying information (Col. 3 line 66 – Col. 4 line 3); and processing and transferring said formatted information concerning the at least one individual being monitored to the at least one administrative software program in the at least one user computer (Col. 4 lines 38-59). Karp does not explicitly disclose a server unit in communication with the user computer, the server unit comprising the database and central processing unit, and receiving at the server unit an authorization from the user computer. Holland teaches in a monitoring system that a database storing and processing information concerning the monitored object can reside in a server computer “as is known in the art” (Col. 3 lines 51-61). Holland further teaches an authorization is received at the server unit from the user computer, and in response, the server unit transmits the information (Col. 9 line 57 – Col. 10 line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Karp and modify it as indicated by Holland such that the method further comprises the steps of: providing a server unit in communication with the at least one computer, comprising (i) and (ii); providing a means for relaying information concerning

Art Unit: 2155

the at least one individual being monitored to said server unit; receiving at the server unit an authorization communicated by said at least one user computer to said server unit; and in response to receipt of authorization, processing and transferring at the server unit said formatted information concerning the at least one individual being monitored to the at least one administrative software program in the at least one user computer. One would be motivated to have this as it allows for monitoring information to be more easily accessed since it is available through an online interface (Col. 3 line 64 – Col. 4 line 5). Furthermore, confidential information can be protected from unauthorized access (Col. 9 lines 57-62).

16. With respect to claim 12, Karp in view of Holland teaches all the limitations of Claim 11 and further teaches the information concerning the at least one individual being monitored comprises: (a) identification information (Col. 4 lines 29-36 of Karp); (b) task information (Col. 4 lines 29-36 of Karp); and (c) location information (Col. 4 lines 29-36 of Karp).

17. With respect to Claim 13, Karp in view of Holland teaches all the limitations of Claim 12 and further teaches said server unit communicates with said at least one user computer over a computer network (Col. 4 lines 37-40 of Holland); the server unit providing a navigable interface on the at least one user computer (Col. 3 line 53 – Col. 4 line 48 of Holland).

18. With respect to Claim 14, Karp in view of Holland teaches all the limitations of Claim 13 and further teaches said computer network comprises the Internet (Col. 4 lines 37-40 of Holland).

Art Unit: 2155

19. With respect to Claim 17, Karp in view of Holland teaches all the limitations of Claim 12 and further teaches the means for relaying to the server unit said information concerning the at least one individual being monitored comprises a wireless telecommunication device (Col. 7 lines 31-34 of Karp).

20. With respect to Claim 18, Karp in view of Holland teaches all the limitations of Claim 12 and further teaches the means for relaying to the server unit said information concerning the at least one individual being monitored comprises a computer terminal capable of communication with said server unit.

21. With respect to Claim 19, Karp teaches a method for monitoring the activity of at least one individual by a user with a communication system (Col. 1 lines 10-24 and See Fig. 1) comprising: providing at least one user computer having at least one administrative software program (Col. 4 lines 29-59 and Col. 15 lines 18-33); (i) a database (Col. 3 lines 61-62 and Col. 6 lines 32-35) for storing information concerning the at least one individual being monitored (Col. 9 line 54 – Col. 10 line 7) ; and (ii) a central processing unit having a plurality of application program modules for processing said information concerning the at least one individual being monitored (Col. 5 lines 39-50); at least one of said application program modules comprising a software integration function that receives and processes from said server unit information concerning the at least one individual being monitored, and formats said information for direct download into the at least one administrative software program in the at least one user computer (Col. 6 lines 13-31); providing a wireless telecommunication device for communicating information concerning the at least one individual being monitored, including

Art Unit: 2155

transmitting a position signal (Col. 7 lines 31-65); providing a means for automatically determining a geographic position to identify location information based upon such position signal transmission from said wireless transmission device (Col. 7 line 31-65); receiving said position signal transmission from said wireless telecommunication device from which location information concerning the at least one individual being monitored may be determined (Col. 7 line 31-65); and processing and transferring said formatted information concerning the at least one individual being monitored to the at least one administrative software program in the at least one user computer (Col. 4 lines 38-59). Karp does not explicitly disclose a server unit in communication with the user computer, the server unit comprising the database and central processing unit, and receiving at the server unit an authorization from the user computer. Holland teaches in a monitoring system that a database storing and processing information concerning the monitored object can reside in a server computer "as is known in the art" (Col. 3 lines 51-61). Holland further teaches an authorization is received at the server unit from the user computer, and in response, the server unit transmits the information (Col. 9 line 57 – Col. 10 line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Karp and modify it as indicated by Holland such that the method further comprises the steps of: providing a server unit in communication with the at least one computer, comprising (i) and (ii); providing a means for relaying information concerning the at least one individual being monitored to said server unit; receiving at the server unit an authorization communicated by said at least one user computer to said server unit; and in response

Art Unit: 2155

to receipt of authorization, processing and transferring at the server unit said formatted information concerning the at least one individual being monitored to the at least one administrative software program in the at least one user computer. One would be motivated to have this as it allows for monitoring information to be more easily accessed since it is available through an online interface (Col. 3 line 64 – Col. 4 line 5).

Furthermore, confidential information can be protected from unauthorized access (Col. 9 lines 57-62).

22. With respect to claim 20, Karp in view of Holland teaches all the limitations of Claim 19 and further teaches the information concerning the at least one individual being monitored comprises: (a) identification information (Col. 4 lines 29-36 of Karp); (b) task information (Col. 4 lines 29-36 of Karp); and (c) location information (Col. 4 lines 29-36 of Karp).

23. With respect to Claim 21, Karp in view of Holland teaches all the limitations of Claim 20 and further teaches the wireless telecommunication device comprises a cellular telephone (Col. 13 lines 36-40 of Karp).

24. With respect to Claim 22, Karp in view of Holland teaches all the limitations of Claim 20 and further teaches the means for determining geographic position comprises a space based GPS satellite platform (Col. 12 lines 47-60 of Karp).

25. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karp in view of Holland as applied to claims 4 and 14 above, and further in view of U.S. Patent 6,349,327 by Tang et al. (Tang).

Art Unit: 2155

26. With respect to Claim 5, Karp in view of Holland teaches all the limitations of Claim 4 but does not explicitly disclose the user computer communicating with the server unit to enable the user to communicate with the individual being monitored. Tang teaches in a system monitoring workers' activities that a user computer communicating with the server unit can enable the user to communicated with an individual being monitored (Col. 9 lines 1-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Karp in view of Holland and modify it as indicated by Tang such said at least one user computer communicates with said server unit to enable said user to communicate with the at least one individual being monitored. One would be motivated to have this as it is desirable to have a way to initiate communications with an individual whose activities are of related concern (Col. 2 lines 46-49).

27. With respect to Claim 15, Karp in view of Holland teaches all the limitations of Claim 14 but does not explicitly disclose the user computer communicating with the server unit to enable the user to communicate with the individual being monitored. Tang teaches in a system monitoring workers' activities that a user computer communicating with the server unit can enable the user to communicated with an individual being monitored (Col. 9 lines 1-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Karp in view of Holland and modify it as indicated by Tang such said at least one user computer communicates with said server unit to enable said user to communicate with the at least one individual being monitored. One would be motivated to have this

as it is desirable to have a way to initiate communications with a monitored individual whose activities are of related concern (Col. 2 lines 46-49).

28. Claims 6 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Karp in view of Holland as applied to claims 2 and 12 above, and further in view of U.S. Patent 6,463,420 by Guidice (Guidice).

29. With respect to Claim 6, Karp in view of Holland teaches all the limitations of Claim 2 and further teaches manual entry of information by the user (Col. 6 lines 33-35) but does not explicitly disclose the use of telephone employing audio relay of the information. Guidice teaches the use of telephone employing audio relay of information regarding an object being monitored (Col. 5 lines 38-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Karp in view of Holland and modify it as indicated by Guidice such that the means for relaying to the server unit said information concerning the at least one individual being monitored comprises a telephone employing audio relay of such information to the user for manual entry into the server unit. One would be motivated to have this as it allows continued communication of monitoring information even when electronic information cannot be obtained (Col. 5 lines 40-43).

30. With respect to Claim 16, Karp in view of Holland teaches all the limitations of Claim 12 and further teaches manual entry of information by the user (Col. 6 lines 33-35) but does not explicitly disclose the use of telephone employing audio relay of the information. Guidice teaches the use of telephone employing audio relay of information

Art Unit: 2155

regarding an object being monitored (Col. 5 lines 38-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Karp in view of Holland and modify it as indicated by Guidice such that the means for relaying to the server unit said information concerning the at least one individual being monitored comprises a telephone employing audio relay of such information to the user for manual entry into the server unit. One would be motivated to have this as it allows continued communication of monitoring information even when electronic information cannot be obtained (Col. 5 lines 40-43).

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

32. U.S. Patent 6,678,719 by Stimmel "Virtual Workplace Intercommunication Tool" January 13, 2004. Monitors a worker's status and provides interface to communicate with a particular worker.

33. U.S. Patent 6,668,173 by Greene "Instant message user location tracking system" December 23, 2003. Wired or wireless instant messaging devices can communicate messages, status, and location information to each other over the Internet.

34. U.S. Patent 6,456,854 by Chern et al. "System and Method for locating and tracking mobile telephone devices via the Internet" September 24, 2002. The location

of a mobile device can be provided to a web server through GPS. The server may require authorization to access location information.

35. U.S. Patent 6,301,609 by Aravamudan et al. "Assignable associate priorities for user-definable instant messaging buddy groups" October 9, 2001. Monitors a user based on priority and can coordinate services between users.

36. U.S. Patent 6,154,727 by Karp "Visit verification" November 28, 2000. Teaches all the same limitations as primary referenced used in the rejections except for GPS.

37. U.S. Patent 5,873,095 by Gore "System and method for maintaining current status of employees in a work force" February 16, 1999. Uses a server system with an interface and database to maintain a current status of employees in a workforce.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
March 18, 2004



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SUPERVISORY PATENT EXAMINER